

STATE OF MAINE
PUBLIC UTILITIES COMMISSION

Docket No. 98-953

December 23, 1998

PUBLIC UTILITIES COMMISSION
Investigation to Determine
Whether New England Telephone &
Telegraph Company d/b/a Bell Atlantic-
Maine, Pursuant to Section 252(i)
of the TelAct of 1996, to Offer
a Previously-Approved Interconnection
Agreement to Sprint Communications, L.P.

NOTICE OF INVESTIGATION;
ORDER TO ANSWER

WELCH, Chairman; NUGENT and DIAMOND, Commissioners

On December 3, 1998, Sprint Communications Company, L.P. (Sprint) filed a request that the Commission rule that Sprint has the right under section 252(i) of the Federal Telecommunications Act of 1996 (47 U.S.C. § 252(i)) to adopt in full an existing Commission-approved interconnection agreement between New England Telephone & Telegraph Company d/b/a Bell Atlantic-Maine (BA-ME) and COMAV. We consider Sprint's request to be a request that this Commission commence an investigation pursuant to 35-A M.R.S.A. § 1303. The interconnection agreement between BA-ME and COMAV was approved by this Commission on July 2, 1998, in Docket No. 98-446.

47 U.S.C. § 252(i) states:

(i) AVAILABILITY TO OTHER
TELECOMMUNICATIONS CARRIERS.-A local exchange
carrier shall make available any
interconnection service, or network element
provided under an agreement approved under
this section to which it is a party to any
other requesting telecommunications carrier
upon the same terms and conditions as those
provided in the agreement.

Sprint states that Bell Atlantic has refused to allow Sprint to execute an interconnection agreement that is identical to the BA-ME - COMAV agreement. Sprint states further that Bell Atlantic will only execute an agreement if it contains a provision stating that internet traffic is intrastate in nature and is not subject to reciprocal compensation.

Sprint's request presents an important issue under 47 U.S.C. § 252(i). We therefore will commence an investigation, and we order Bell Atlantic to answer the allegations contained in Sprint's request, a copy of which is attached. The answer shall include a list of all references to internet traffic that are contained in the BA-ME - COMAV agreement. Bell Atlantic shall file a responsive answer on or before **January 6, 1999**.

Dated at Augusta, Maine this 23rd day of December, 1998.

BY ORDER OF THE COMMISSION

Dennis L. Keschl
Administrative Director

COMMISSIONERS VOTING FOR: Welch
 Nugent
 Diamond